

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1995, each agency shall begin the rulemaking process by 1st filing a Notice of Proposed Rulemaking, containing the preamble and the full text of the rules, with the Secretary of State's Office. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the Arizona Administrative Register.

Under the Administrative Procedure Act (A.R.S. § 41-1001 *et seq.*), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022.

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 19. BOARD OF NURSING

PREAMBLE

1. **Sections Affected**
R4-19-503
- Rulemaking Action**
Amend
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. § 32-1606(A)
Implementing statute: A.R.S. § 32-1601(9)
3. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Audrey Rath, R.N.
Nurse Practitioner Consultant
Address: Board of Nursing
1651 East Morten, Suite 150
Phoenix, Arizona 85020
Telephone: (602) 255-5092
Fax: (602) 255-5130
4. **An explanation of the rules, including the agency's reasons for initiating the rules:**
The rule is being amended to permit registered nurses who have received their nurse practitioner training at programs which are neither approved by the Board nor nationally accredited, e.g., a foreign nursing program, to become certified nurse practitioners. The amendment will permit such nurses to submit evidence to the Board for the purpose of determining whether the programs attended were substantially equivalent to the standards which must be met for a program to otherwise be approved by the Board.
This amendment is being made to the current R4-19-503, which is presently being amended in another rule package anticipated to be approved by GRRC and in effect before this rule comes before GRRC for approval. In that other rule package, some minor changes are being made to subsections other than those affected by this package. However, this Section is being renumbered to R4-19-504.
5. **A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable.
6. **The preliminary summary of the economic, small business, and consumer impact:**
The economic impact is anticipated to be minimal. The proposed rule amendment will impact only a few registered nurses, as most will be certified as nurse practitioners under the current rules. The amendment allows for registered nurses who received their practitioner training in a program other than a Board-approved program or 1 conducted by a regionally accredited college or university to still be certified by providing documentation to the Board which evidences that the program taken is substantially similar to the requirements of a Board-approved program. Few applications are anticipated and so the costs to the Board for staff or Board time is minimal. Impact on other governmental agencies is also expected to be none to minimal. Impact on private businesses and small businesses is expected to be isolated and generally minimal because of the small number of registered nurses who will be affected by the rule change. Individually, any registered nurse affected by the rule change will have significant cost savings by not having to repeat practitioner training and will have increased revenues by being certified and employed as a registered nurse practitioner. Consumer costs are unlikely to be affected because of the small number of nurses affected by the rule change.

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7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Audrey Rath, R.N.
Nurse Practitioner Consultant

Address: Board of Nursing
1651 East Morten, Suite 150
Phoenix, Arizona 85020

Telephone: (602) 255-5092

Fax: (602) 255-5130

8. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule, or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

No oral proceeding is scheduled. Written requests for an oral proceeding or written comments regarding the proposed rule amendment will be accepted by the Board until 5 p.m., October 7, 1996. Address comments and requests for hearing to Audrey Rath, R.N., at the location listed above.

9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None.

10. Incorporations by reference and their location in the rules:

None.

11. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 19. BOARD OF NURSING

**ARTICLE 5. EXTENDED AND ADVANCED NURSING
PRACTICE**

Section

R4-19-503. Requirements for Registered Nurse Practitioner Certification

**ARTICLE 5. EXTENDED AND ADVANCED NURSING
PRACTICE**

R4-19-503. Requirements for Registered Nurse Practitioner Certification

A. An applicant for certification as a registered nurse practitioner shall:

1. Hold a current license in good standing to practice as a professional nurse in Arizona; and
2. Submit to the Board:
 - a. A notarized application furnished by the Board which provides the following information:
 - i. The applicant's full name and any former names used by the applicant;
 - ii. The applicant's current mailing address;
 - iii. The applicant's registered nurse license number;
 - iv. A description of the applicant's education background, including the name and location of schools attended, the number of years attended, and the date of graduation and the type of degree or certification awarded;
 - v. The specialty area for which the applicant wishes to be certified;
 - vi. The applicant's current employer, including address, type of position, and dates of employment;
 - vii. Whether the applicant has taken and passed a national certification examination, the name of the organization, the specialty area, certifica-

tion number, and date of certification;

viii. Whether the applicant had ever has a nursing license denied, suspended, or revoked, and an explanation if such has occurred;

ix. Whether any disciplinary action, consent order, or settlement agreement related to the practice of nursing has been imposed upon the applicant, and an explanation if such has occurred;

x. The name and address of the applicant's collaborating physician; and

xi. A sworn statement by the applicant verifying the truthfulness of the information provided by the applicant.

b. An official transcript and a copy of the certificate or official letter received from the course of study verifying completion of a nurse practitioner course of study in an approved nurse practitioner program, or a regionally accredited college or university, which was of at least 9 months in duration and which included theory and clinical experience to prepare professional nurses as nurse practitioners;

c. ~~If the course of study was not an approved program or provided by a regionally accredited college or university, an official transcript and a copy of the certificate or official letter received from a nurse practitioner program which was of at least 9 months in duration and include theory and clinical experience to prepare professional nurses as nurse practitioners, which the Board determines to be substantially equivalent to an approved program.~~

d. If a nurse midwife, evidence of current certification or recertification from the American College of Nurse Midwives or its Certification Council; and

e. The statutorily prescribed fee.

B. An applicant for certification as a registered nurse practitioner on January 1, 2001, and thereafter, shall have a Master of Science degree in nursing or a Masters' degree in a health-related

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area. A registered nurse practitioner certified by the Board of Nursing prior to January 1, 2001, shall continue to be certified after that date if the nurse holds a current license in good standing to practice as a professional nurse in Arizona.

- C. The Board shall issue a certificate to practice as a registered nurse practitioner in a specialty area to a professional nurse

who has met the criteria set forth in this Section. An applicant who is denied a certificate shall have 10 days from the date of receipt of the notice of denial from the Board to file a request for hearing, in writing, with the Board.

NOTICE OF PROPOSED RULEMAKING

TITLE 15. REVENUE

**CHAPTER 5. DEPARTMENT OF REVENUE
TRANSACTION PRIVILEGE AND USE TAX SECTION**

PREAMBLE

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|------------------------------------|---------------------------------|
| 1. <u>Sections Affected</u> | <u>Rulemaking Action</u> |
| R15-5-502 | Repeal |
| R15-5-610 | Repeal |
| R15-5-1403 | Repeal |
| R15-5-1407 | Repeal |
| R15-5-1611 | Repeal |
| R15-5-1612 | Repeal |
| R15-5-1707 | Repeal |
| R15-5-2303 | Repeal |
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. § 42-105
Implementing statute: A.R.S. § 42-1303
- 3. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Christie Comanita, Tax Analyst
Tax Research & Analysis Section

Address: Department of Revenue
1600 West Monroe
Phoenix, Arizona 85007

Telephone: (602) 542-4672
Fax: (602) 542-4860
- 4. An explanation of the rules, including the agency's reasons for initiating the rules:**
As a result of several Departmental 5-year reviews, the Department is proposing to repeal antiquated and repetitive rules.
- 5. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable.
- 6. The preliminary summary of the economic, small business, and consumer impact:**
The repeal of these rules will benefit the public by eliminating repetitive and obsolete rules which no longer serve their intended purpose. The Department will incur the costs associated with the rulemaking process. Taxpayers are not expected to incur any expense in the repeal of these rules.
- 7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**
Name: Christie Comanita, Tax Analyst
Tax Research & Analysis Section

Address: Department of Revenue
1600 West Monroe
Phoenix, Arizona 85007

Telephone: (602) 542-4672
Fax: (602) 542-4860

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8. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule, or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

The Department has not scheduled any oral proceedings. Written comments on the proposed rules or preliminary economic, small business, and consumer impact statements may be submitted to the person listed above. Pursuant to A.R.S. § 41-1023(C), the Department will schedule oral proceedings if 5 or more people file written requests for oral proceedings within 30 days after the publication of this notice.

9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
Not applicable.

10. Incorporations by reference and their location in the rules:
None.

11. The full text of the rules follows:

TITLE 15. REVENUE

**CHAPTER 5. DEPARTMENT OF REVENUE
TRANSACTION PRIVILEGE AND USE TAX**

**ARTICLE 5. SALES TAX -- COMMUNICATIONS
CLASSIFICATION**

Section
R15-5-502. General

**ARTICLE 6. SALES TAX -- CONTRACTING
CLASSIFICATION**

Section
R15-5-610. Mobile Home and Manufactured Buildings

**ARTICLE 14. SALES TAX -- RAILROAD AND AIRCRAFT
CLASSIFICATION**

Section
R15-5-1403. Interstate Transportation
R15-5-1407. School for Pilots

ARTICLE 16. COMMERCIAL LEASE CLASSIFICATION

Section
R15-5-1611. Commercial Property--Merchant's Associations
R15-5-1612. Commercial Property--Sharecrop Agreements

**ARTICLE 17. SALES TAX -- RESTAURANTS AND BARS
CLASSIFICATION**

Section
R15-5-1707. Sales by Nonprofit Organizations

ARTICLE 23. USE TAX

Section
R15-5-2303. Purchaser's Liability

**ARTICLE 5. SALES TAX -- COMMUNICATIONS
CLASSIFICATION**

R15-5-502. General

Gross income from transmitting of local or long distance messages by telephone or telegraph within the state is taxable under this classification. The word "telephone" shall include radio telephone service for which charges are made for service between stations within the state including service between mobile and fixed stations.

**ARTICLE 6. SALES TAX -- CONTRACTING
CLASSIFICATION**

R15-5-610. Mobile Home and Manufactured Buildings

- A. ~~Effective July 21, 1979, mobile home and manufacturing building dealers are taxable as prime contractors when the gross income includes site preparation, moving to the site, or set-up. The taxable base shall be the gross income or gross proceeds of sale less the sale price of land, if applicable, not to exceed the fair market value and the 35% standard deduction in lieu of labor.~~
- B. ~~The sale of a used mobile home or manufactured building is exempt from the tax under the contracting classification. If the state of a used mobile home or manufactured building does not include site preparation, moving to the site, or set-up, such sale may be subject to the tax as a retail sale.~~
- C. ~~When a mobile home or manufactured building dealer sell furniture, furnishings, fixtures, appliances, and attachments, which are in addition to such items which were incorporated as component parts of said home or building during the manufacturing process, such sales are sales of tangible personal property at retail and subject to the tax under the retail classification. If the sale of a used mobile home or manufactured building is exempt from the tax pursuant to subsection (B) above, the sale of furniture, furnishings, fixtures, appliances, and attachments, which were incorporated as component parts of such home or building during the manufacturing process are also exempt. Sales of additional furniture, furnishings, fixtures, appliances, and attachments are taxable as retail sales.~~
- D. ~~If the sale of a mobile home or manufactured building is taxable under the contracting classification, a trade-in will not be allowed for purposes of reducing the tax liability. If the sale of such home or building is taxable as a retail sale a trade-in will be allowed.~~

**ARTICLE 14. SALES TAX -- RAILROAD AND AIRCRAFT
CLASSIFICATION**

R15-5-1403. Interstate Transportation

~~Income from transportation of passengers or property originating outside of the state and carried into the state, originating within the state and carried out of the state, or carried through the state is not taxable.~~

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R15-5-1407: School for Pilots

A person conducting a bona fide school for airplane is not subject to the tax on tuition charges.

ARTICLE 16. COMMERCIAL LEASE CLASSIFICATION

R15-5-1611: Commercial Property—Merchant's Associations
Contributions made to the landlord for promotion by tenants belonging to a merchant's association are taxable as rental income. However, if contributions are received directly by the association as a separate entity, such amounts are not includable as rental income.

R15-5-1612: Commercial Property—Sharecrop Agreements
Agreements entered into whereby the owner of land is to receive compensation from a sharecrop venture solely on the basis of profits derived from the operation are not taxable.

**ARTICLE 17. SALES TAX – RESTAURANTS AND BARS
CLASSIFICATION**

R15-5-1707: Sales by Nonprofit Organizations
Income derived from sales by churches, lodges, and other nonprofit organizations not regularly engaged in the restaurant business, for the purpose of fundraising, is not taxable.

ARTICLE 23. USE TAX

R15-5-2303: Purchaser's Liability
The purchaser is directly liable for the payment of Use Tax on tangible personal property brought into Arizona for use, storage, or consumption.

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TITLE 15. REVENUE

CHAPTER 7. DEPARTMENT OF REVENUE

BINGO SECTION

PREAMBLE

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| <p>1. <u>Sections Affected</u>
R15-7-101
R15-7-102</p> <p>2. <u>The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):</u>
Authorizing statute: A.R.S. §§ 42-105 and 5-402
Implementing statute: A.R.S. § 5-401</p> <p>3. <u>The name and address of agency personnel with whom persons may communicate regarding the rulemaking:</u>
Name: Christie Comanita, Tax Analyst
Tax Research & Analysis Section

Address: Department of Revenue
1600 West Monroe
Phoenix, Arizona 85007

Telephone: (602) 542-4672
Fax: (602) 542-4860</p> <p>4. <u>An explanation of the rules, including the agency's reasons for initiating the rules:</u>
As a result of several Departmental 5-year reviews, the Department is proposing to repeal antiquated and repetitive rules.</p> <p>5. <u>A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:</u>
Not applicable.</p> <p>6. <u>The summary of the economic, small business, and consumer impact:</u>
The repeal of these rules will benefit the public by eliminating repetitive and obsolete rules which no longer serve their intended purpose. The Department will incur the costs associated with the rulemaking process. Taxpayers are not expected to incur any expense in the repeal of these rules.</p> <p>7. <u>The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:</u>
Name: Christie Comanita, Tax Analyst
Tax Research & Analysis Section

Address: Department of Revenue
1600 West Monroe
Phoenix, Arizona 85007</p> | <p><u>Rulemaking Action</u>
Repeal
Repeal</p> |
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Telephone: (602) 542-4672

Fax: (602) 542-4860

8. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule, or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

The Department has not scheduled any oral proceedings. Written comments on the proposed rules or preliminary economic, small business, and consumer impact statements may be submitted to the person listed above. Pursuant to A.R.S. § 41-1023(C), the Department will schedule oral proceedings if 5 or more people file written requests for oral proceedings within 30 days after the publication of this notice.

9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
Not applicable.

10. Incorporations by reference and their location in the rules:
None.

11. The full text of the rules follows:

TITLE 15. REVENUE

**CHAPTER 7. DEPARTMENT OF REVENUE
BINGO SECTION**

ARTICLE 1. INTRODUCTION

Section
R15-7-101. General
R15-7-102. Inquiries

ARTICLE 1. INTRODUCTION

~~R15-7-101. General~~

~~These rules apply to games of bingo held or conducted subject to and pursuant to A.R.S. § 5-401 et seq.~~

~~R15-7-102. Inquiries~~

~~Inquiries concerning specific problems may be directed to the Department of Revenue, Bingo Section, 1600 West Monroe, Phoenix, Arizona 85007.~~

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TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 3. ARIZONA STATE LOTTERY COMMISSION

PREAMBLE

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| <p>1. <u>Sections Affected</u>
R19-3-327
R19-3-328</p> <p>2. <u>The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):</u>
Authorizing statute: A.R.S. § 5-504(B)
Implementing statute: A.R.S. § 5-504(B)</p> <p>3. <u>The name and address of agency personnel with whom persons may communicate regarding the rulemaking:</u>
Name: Sandy Williams, Executive Director

Address: Arizona State Lottery Commission
4740 East University
Phoenix, Arizona 85034

Telephone: (602) 921-4400</p> <p>4. <u>An explanation of the rules, including the agency's reasons for initiating the rules:</u>
R19-3-327 and R19-3-328 set forth provisions unique to the conduct of the Arizona Lottery's instant games. The provisions of this rule are necessary to implement the requirements of A.R.S. § 5-504(B) which have not been specified generically in R19-3-301. The unique provisions described in these rules are the nature and location of play symbols, the ticket number, the validation codes, the prize denominations, and the method of selecting a winning ticket.</p> | <p><u>Rulemaking Action</u>
New Section
New Section</p> |
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5. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:
Not applicable.
6. The preliminary summary of the economic, small business, and consumer impact:
These games will provide our players with a larger variety of instant games with a potential increase in sales. The only impact these rules has upon Lottery retailers is to specify how they determine if a ticket is a winning ticket, and, if so, the prize amount.
7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:
Name: Sandy Williams, Executive Director
Address: Arizona State Lottery Commission
4740 East University Drive
Phoenix, Arizona 85034
Telephone: (602) 921-4400
8. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule, or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:
Date: October 18, 1996
Time: 10 a.m.
Location: Arizona State Lottery Commission
4740 East University Drive
Phoenix, Arizona
Nature: Oral Proceeding
9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
The close of the record is 5 p.m., Thursday, October 17, 1996, for written comments, and at the close of the oral proceeding for verbal comments.
10. Incorporations by reference and their location in the rules:
None.
11. The full text of the rules follows:

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 3. ARIZONA STATE LOTTERY COMMISSION

ARTICLE 3. INSTANT LOTTERY GAMES

- R19-3-327. Frosty the Doughman
R19-3-328. Lucky Duck

ARTICLE 3. INSTANT LOTTERY GAMES

R19-3-327: Frosty the Doughman

- A. Six play symbols appear under the latex in the play area located on the right side on the front of the ticket and are one of the following: \$1, \$2, \$5, \$10, \$20, \$50, or \$100 with confirming captions. The play symbol captions correspond with and verify the play symbols as follows:

Play Symbols	Caption
\$1	ONEDOL
\$2	TWODOL
\$5	FIVEDOL
\$10	TENDOL
\$20	TWYDOL
\$50	FTYDOL
\$100	ONEHUND

- B. A pack-ticket number beginning with 100001 is located in the lower-left side on the back of the ticket.
C. The retailer validation code verifies instant winners of a \$1, \$2, \$5, \$10, \$20, \$50, or \$100 winning ticket. The retailer validation code which corresponds with and verifies each of these winners is as follows:

ONE	=	\$1	TWY	=	\$20
TWO	=	\$2	FFY	=	\$50
FIV	=	\$5	ONH	=	\$100
TEN	=	\$10			

- D. A prize winner in the "FROSTY THE DOUGHMAN" instant game is determined by removing the latex from the play area on the front of the ticket to determine the 6 play symbols. Neither the retailer validation code (or any portion thereof), or the pack-ticket number (or any portion thereof), nor the validation number (or any portion thereof) are play symbols and are not usable or playable as such. If the player matches 3 like play symbols, the player wins that prize. The prizes are as follows:

Match 3	\$1	=	\$1 (one dollar) or
Match 3	\$2	=	\$2 (two dollars) or
Match 3	\$5	=	\$5 (five dollars) or
Match 3	\$10	=	\$10 (ten dollars) or
Match 3	\$20	=	\$20 (twenty dollars) or
Match 3	\$50	=	\$50 (fifty dollars) or
Match 3	\$100	=	\$100 (one-hundred dollars)

R19-3-327: "Lucky Duck"

- A. Nine play symbols which are contiguous to each other in 3 rows appear under the latex in the play area located on the right side on the front of the ticket and are one of the following: \$1, \$2, \$5, \$10, \$20, \$100, \$1,000, or \$ with confirming

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ing captions. The play symbol captions correspond with and verify the play symbols as follows:

Play Symbols	Caption
\$1	ONEDOL
\$2	TWODOL
\$5	FIVEDOL
\$10	TENDOL
\$20	TWYDOL
\$100	ONEHUND
\$1,000	ONETHOU
Ⓢ	DOUBLE

B. A pack-ticket number beginning with 600001 is located in the lower-left side on the back of the ticket.

C. The retailer validation code verifies instant winners of a \$1, \$2, \$4, \$5, \$10, \$20, or \$100 winning ticket. The retailer validation code which corresponds with and verifies each of these winners is as follows:

ONE	=	\$1	TEN	=	\$10
TWO	=	\$2	TWY	=	\$20
FOR	=	\$4	ONH	=	\$100
FIV	=	\$5			

D. A prize winner in the "LUCKY DUCK" instant game is determined by removing the latex from the play area on the front of the ticket to determine the 9 play symbols. Neither the retailer validation code (or any portion thereof), or the pack-ticket number (or any portion thereof), nor the validation number (or any portion thereof) are play symbols and are not usable or playable as such. If the ticket owner matches 3 like play symbols, he or she wins that prize. If a player uncovers a Ⓢ, the prize is automatically doubled. The prizes are as follows:

Match 3	\$1	=	\$1 (one dollar) or
Match 3	\$1 + Ⓢ	=	\$2 (two dollars) or
Match 3	\$2	=	\$2 (two dollars) or
Match 3	\$2 + Ⓢ	=	\$4 (four dollars) or
Match 3	\$5	=	\$5 (five dollars) or
Match 3	\$5 + Ⓢ	=	\$10 (ten dollars) or
Match 3	\$10	=	\$10 (ten dollars)
Match 3	\$10 + Ⓢ	=	\$20 (twenty dollars) or
Match 3	\$20	=	\$20 (twenty dollars) or
Match 3	\$100	=	\$100 (one hundred dollars) or
Match 3	\$1,000	=	\$1,000 (one thousand dollars)